

Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 89: PROFESSIONAL INVESTIGATORS

§8114. UNLAWFUL ACTS

A person is guilty of improper conduct in private investigation if the person commits any of the acts described in this section. Improper conduct in private investigation is a Class D crime. [2011, c. 366, §46 (NEW) .]

1. Acting without license; false representation. A person acts without a license or commits false representation if that person intentionally or knowingly:

A. Except as provided in section 8104, acts as a professional investigator without a valid license; [2011, c. 366, §46 (AMD) .]

B. Falsely represents that the person is the holder of a valid license; [2011, c. 366, §46 (AMD) .]

C. Falsely represents that any person in the person's employ is a professional investigator or investigative assistant; or [2011, c. 366, §46 (AMD) .]

D. Makes any false statements or material omission in any application filed with the chief. [2011, c. 366, §46 (AMD) .]

[2011, c. 366, §46 (AMD) .]

2. Representation as peace officer; employment of certain convicted persons; failure to surrender license. A licensed professional investigator or investigative assistant commits misrepresentation as a peace officer, employment of a certain convicted person or failing to surrender if that professional investigator or investigative assistant intentionally or knowingly:

A. Makes any representation, including, but not limited to, presentation of a badge, that suggests, or that would reasonably cause another person to believe, that the licensed professional investigator or investigative assistant is a sworn peace officer of this State, any political subdivision of this State, any other state or the Federal Government; [2011, c. 366, §46 (AMD) .]

B. Employs, in connection with a private investigation business, in any capacity, a former licensee whose license has been revoked or a person who has been convicted of :

(1) A crime in this State that is punishable by imprisonment for a term exceeding one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of another state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less; or

(4) A crime under the laws of another state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or [2011, c. 366, §46 (AMD) .]

C. Fails or refuses to surrender the professional investigator's license to the chief following revocation or suspension. [2011, c. 366, §46 (AMD) .]

[2011, c. 366, §46 (AMD) .]

3. Employing unlicensed individual. A licensed professional investigator commits improper employment conduct if the professional investigator intentionally or knowingly employs or engages any other person to act as a professional investigator unless the person so employed or engaged is licensed as a professional investigator or investigative assistant.

[2011, c. 366, §46 (AMD) .]

4. Failure of assistant to return equipment.

[2011, c. 366, §46 (RP) .]

5. Other unlawful acts. A person licensed under this chapter or any person employed by the person commits improper investigative conduct if that person intentionally or knowingly:

- A. Incites, encourages or aids any person who has become a party to any strike to commit any unlawful act against any person or property; [2011, c. 366, §46 (AMD) .]
- B. Incites, stirs up, creates or aids in the inciting of discontent or dissatisfaction among the employees of any person with the intention of having them strike; [2011, c. 366, §46 (AMD) .]
- C. Interferes with or prevents lawful and peaceful picketing during strikes; [2011, c. 366, §46 (AMD) .]
- D. Interferes with, restrains or coerces employees in the exercise of their right to form, join or assist any labor organization of their choosing; [2011, c. 366, §46 (AMD) .]
- E. Interferes with or hinders lawful or peaceful collective bargaining between employers and employees; [2011, c. 366, §46 (AMD) .]
- F. Pays or offers to give any money, gratuity, consideration or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right to organize, form or assist any labor organization and to bargain collectively through representatives of their choosing; [2011, c. 366, §46 (AMD) .]
- G. Advertises for, recruits, furnishes or replaces or offers to furnish or replace for hire or reward, within or outside the State, any skilled or unskilled help or labor, armed guards, other than armed guards employed for the protection of payrolls, property or premises, for service upon property that is being operated in anticipation of or during the course of a strike; [2011, c. 366, §46 (AMD) .]
- H. Furnishes armed guards upon the highways for persons involved in labor disputes; [2011, c. 366, §46 (AMD) .]
- I. Furnishes or offers to furnish to employers or their agents any arms, munitions, tear gas implements or any other weapons; [2011, c. 366, §46 (AMD) .]
- J. Sends letters or literature to employers offering to eliminate labor unions; or [2011, c. 366, §46 (AMD) .]
- K. Advises any person of the membership of an individual in a labor organization for the purpose of preventing that individual from obtaining or retaining employment. [2011, c. 366, §46 (AMD) .]

[2011, c. 366, §46 (AMD) .]

SECTION HISTORY

1981, c. 126, §2 (NEW). RR 2003, c. 2, §98 (COR). 2003, c. 620, §3 (AMD). 2011, c. 366, §46 (AMD).

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